

## **REMARKS**

Claims 7-9 remain in this application. Claim 7 has been amended to overcome the obviousness rejection of U.S. Pat. No. 4,472,461 and other patents that purport to disclose adhesive bandages. Support for this amendment can be found throughout the specification at, for example, page 5, lines 21-27.

### **Obviousness Rejection**

Claim 7-9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (U.S. Pat. No. 4,472,461) ("Johnson") in view of either Hodgson (U.S. Pat. No. 3,645,835) ("Hodgson"), Metcalfe (U.S. Pat. No. 4,559,938) ("Metcalfe"), Tani et al. (U.S. Pat. No. 4,789,413) ("Tani"), Ward (U.S. Pat. No. 5,000,172) ("Ward"), Kay (U.S. Pat. No. 5,713,842) ("Kay"), Plews (U.S. Pat. No. 5,755,681) ("Plews"), or Takemoto (EP 0,353,972) ("Takemoto").

For the reasons set forth below, the rejection is traversed.

Johnson purports to disclose an apparatus and a method for making perforated adhesive tapes. (Col. 1, lns. 6-8.) Johnson also purports to disclose an apparatus and a method for producing controlled discrete perforations in an adhesive-coated porous web such as cloth. (Col. 2, lns. 13-17.) A substantially porous web 12, initially uncoated is directed towards the adhesive coating station 20. (Col. 3, lns. 26-36.) Adhesive 28, which is substantially non-porous and non-permeable to a gas, is automatically spread onto the surface of the adhesive application roller 24. (Col. 3, lns. 43-48.) As the porous web moves into contact with the roller, liquid adhesive is transferred onto the inner web surface. Region 32 is defined as the section of the moving porous web 12, having the recently applied, and at this point still liquid, adhesive material 28, that has been previously coated onto the inner roller-facing surface 30, of the moving porous web 12. (Col. 3, lns. 51-61.) The adhesive coated web travels an appropriate process rate of speed towards the gas perforating means 34 including gas directing tube 38. (Col. 4, lns. 31-37.) The gas directing tube 38 being the major portion of the gas perforating means 34, is an elongated, hollow, essentially cylindrical, tube-like structure, located in contiguous, substantially coplanar proximity to the under surface 40 of the porous web. (Col. 4, lns.

5-9.) It is the non-adhesive-coated surface 40 of the web is in contiguous coplanar proximity to the peripheral surface 42, of the segment of the gas directing tube 38 that incorporates the openings 44. (Col. 4, lns. 34-38.) The adhesive coating 28 is still in a liquid state on the surface 30. (Col. 4, lns. 46-48.) Individual, cleanly demarcated perforations or apertures 46 are formed in the adhesive-coating 28, at the site of each gas jet impingement, by gas being forced through the substantially continuous adhesive-coating 28 adhered to the porous web. (Col. 4, lns. 59-63.) The relative gas porosity of the web material and the thickness and consistency of the adhesive determines the gas pressure required to perforate the adhesive. (Col. 4, lns. 63-69.) The gas-perforated adhesive-coated porous web is then passed through a conventional convection oven for curing or congealing of the adhesive coat. (Col. 5, lns. 19-23.)

Hodgson purports to disclose a "moisture-vapor-permeable-sensitive adhesive material for use on animal skin and nails, comprising a backing material having a pressure-sensitive adhesive on at least substantially the whole of the body-adhering portion of at least one surface of said backing material, both said backing material and said adhesive being moisture vapor permeable and unaffected by water and at least one of said backing material and said adhesive comprising a synthetic polymer and being continuous and nonpermeable to liquid water...." (Col. 1, lns. 26-34.)

Metcalfe purports to disclose a flexible film suitable for use as a backing in an adhesive medical dressing which film comprises a blend of polymers characterized in that the blend comprises a continuous matrix of 1,2 polybutadiene and an incompatible polymer which forms a discrete particulate phase within the continuous matrix and the film contains voids. (Col. 1, lns. 27-33.) The aperturing of the adhesive coated film can be provided by conventional methods including methods involving the use of punches and dies, heated needles or protuberances, hot gases and electrical spark discharge. (Col. 4, ln. 66 to Col. 5, ln. 3.) Suitable discontinuous adhesive layers can be any non-toxic, skin adhering pressure sensitive adhesive (Col. 3, lns. 50-52.)

Tani discloses a process for making permeable adhesive tapes. (Col. 1, lns. 7-8.) Permeable is defined by Tani to mean the ability to permeate gas as well as liquid water. (Col. 1, lns. 66-67.) The adhesive tape of Tani may be used for protecting wounds and

avoiding maceration when adhered and maintained to the skin for a long time. (Col. 1, Ins. 14-20.)

Ward purports to disclose a wound dressing system comprising a transparent or translucent dressing including at least one transparent or translucent layer having reference marks that are capable of being used to monitor the wound. (Col. 1, Ins. 41-45.) The adhesive dressing comprises a backing layer having a pressure sensitive adhesive layer coated on one surface thereof, a removable protector covering the adhesive surface and extending beyond the backing layer at one or more edges thereof, and a support layer. (Col. 1, Ins. 56-61.) Preferred materials forming the dressing or the backing layers are elastomeric moisture vapor transmitting films. (Col. 3, Ins. 1-3.) The adhesive used may be any adhesive that is conventionally used for contact with the skin. (Col. 3, Ins. 44-52.)

Kay purports to disclose a wound dressing which is a laminate of a thin film, an adhesive, and a release backing/pull-tab assembly. (Col. 5, Ins. 44-46.) The wound dressing has a first layer that is impermeable to liquids and microbes but permeable to gasses and water vapor. (Col. 6, Ins. 54-56.) An adhesive second layer is provided on the first layer. (Col. 6, Ins. 56-57.) The adhesive layer is also permeable to gasses and water vapor. (Col. 6, Ins. 58-59.) Adhesives suitable for this invention include those that possess controllable affinities for skin surfaces. (Col. 7, Ins. 4-6.)

Plews purports to disclose a conformable material having a backing layer with an adhesive layer on the first surface, a removable protector covering the adhesive layer and a carrier layer on the non-adhesive surface of the backing layer. (Col. 1, Ins. 61-67.) The conformable material may be suitable for use as a wound dressing. (Col. 3, Ins. 24-25.) It may also be used as an adhesive tape, e.g., an adhesive medical tape. (Col. 3, Ins. 36-37.) The adhesive must be compatible with the skin. (Col. 4, Ins. 66-67.) Suitably the adhesive layer is applied to the skin-facing surface of the backing layer as a continuous layer. (Col. 5, Ins. 23-24.)

Takemoto purports to disclose bandages for adhering to the skin that have an adhesive applied to the backing or other substrate in the form of tiny individually spaced deposits in particular arrays. (Col. 3, Ins. 18-24.) The backings should be vapour and

oxygen permeable; in the case of film, the film may be perforated to render it breathable. (Col. 6, lns. 23-28.)

In making the rejection, the Examiner admitted "that Johnson fails to teach the adhesive disposed in a "pattern." (Paper No. 14 at 2.)

To fill the acknowledged gap, the Examiner relied on Hodgson, Metcalfe, Tani, Ward, Kay, Plews, or Takemoto as being drawn to the creation of medical tapes and the teaching of the use of a discontinuous pattern of adhesive. (Paper No. 14 at 2.) The Examiner then stated that "[i]t would have been obvious to a person having ordinary skill in the art to utilize the adhesive of Johnson in a discontinuous pattern" and that "such a modification would have been motivated by the desire to reduce costs by using less adhesive." The Examiner apparently believes that "[p]erforating nonadhesive areas would also reduce the gas pressure needed to perforate the tape, thereby reducing energy costs and the problem of "floating (col. 4-5, lines 65-15)."" The Examiner then concluded "[a] discontinuous adhesive layer would also increase the breathability of the bandage and increase the comfort to the wearer." (Paper No. 14 at 2.) The Examiner maintained the rejection from the last action in this Paper (Paper 14 at 3.)

Claim 7 has been amended to further define that the second surface form a body facing surface and that the adhesive is disposed on the first surface of the nonwoven material. The adhesive-coated porous web of Johnson appears to form a perforated adhesive tape, which is to be used on the body. It is the adhesive side of the tape that is applied to the skin. In Johnson, the smooth side or the side that the non-adhesive coated surface 40 does not appear to form a body facing surface. In the present invention, it is the non-adhesive surface that forms a body facing surface.

Likewise, all the secondary references relied on by the Examiner appear to only disclose adhesive tapes having adhesive on the body facing surface. Combining the secondary references with the adhesive tape of Johnson would not result in the currently amended claim of the present invention.

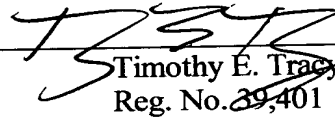
Accordingly, for the reasons set forth above, withdrawal of the rejections and allowance of the claims is respectfully requested.

Finally, the Examiner is invited to call the applicants' undersigned representative if any further action will expedite the prosecution of the application or if the Examiner

has any suggestions or questions concerning the application or the present Response. In fact, if the claims of the application are not believed to be in full condition for allowance, for any reason, the applicants respectfully request the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP § 707.07(j) or in making constructive suggestions pursuant to MPEP § 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,

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